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6 **BEFORE THE**
7 **CALIFORNIA BOARD OF ACCOUNTANCY**
8 **DEPARTMENT OF CONSUMER AFFAIRS**
9 **STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. AC-2012-15

11 **ERIC RODNEY LIETZOW**

DEFAULT DECISION AND ORDER

12 27833 Sweetwater Lane
13 Valencia, CA 91354

[Gov. Code, §11520]

14 Certified Public Accountant Certificate No.
15 78207

Respondent.

16
17 **FINDINGS OF FACT**

18 1. On or about November 14, 2011, Complainant Patti Bowers, in her official capacity
19 as the Executive Officer of the California Board of Accountancy, Department of Consumer
20 Affairs, filed Accusation No. AC-2012-15 against Eric Rodney Lietzow ("Respondent") before
21 the California Board of Accountancy. (Accusation attached as **Exhibit A.**)

22 2. On or about October 15, 1999, the California Board of Accountancy ("CBA") issued
23 Certified Public Accountant Certificate No. 78207 to Respondent. Respondent's certificate was
24 renewed for the period of December 1, 2010, through November 30, 2012, without continuing
25 education. Respondent's certificate is currently inactive.

26 3. On or about November 18, 2011, Respondent was served by Certified and First Class
27 Mail copies of the Accusation No. AC-2012-15, Statement to Respondent, Notice of Defense,
28 Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6,

1 and 11507.7) at Respondent's address of record which, pursuant to California Code of
2 Regulations, title 16, section 3, is required to be reported and maintained with the CBA, which
3 was and is:

4 27833 Sweetwater Lane
5 Valencia, CA 91354.

6 4. Service of the Accusation was effective as a matter of law under the provisions of
7 Government Code section 11505, subdivision (c) and Business & Professions Code section 124.

8 5. On or about December 8, 2011, Respondent failed to file a timely Notice of Defense
9 in this matter.

10 6. Government Code section 11506 states, in pertinent part:

11 (c) The respondent shall be entitled to a hearing on the merits if the respondent
12 files a notice of defense, and the notice shall be deemed a specific denial of all parts
13 of the accusation not expressly admitted. Failure to file a notice of defense shall
14 constitute a waiver of respondent's right to a hearing, but the agency in its discretion
15 may nevertheless grant a hearing.

16 7. Respondent failed to file a Notice of Defense within 15 days after service upon him
17 of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No.
18 AC-2012-15.

19 8. California Government Code section 11520 states, in pertinent part:

20 (a) If the respondent either fails to file a notice of defense or to appear at the
21 hearing, the agency may take action based upon the respondent's express admissions
22 or upon other evidence and affidavits may be used as evidence without any notice to
23 respondent.

24 9. Pursuant to its authority under Government Code section 11520, the CBA finds
25 Respondent is in default. The CBA will take action without further hearing and, based on the
26 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as
27 taking official notice of all the investigatory reports, exhibits and statements contained therein on
28 file at the CBA's offices regarding the allegations contained in Accusation No. AC-2012-15, finds
that the charges and allegations in Accusation No. AC-2012-15, are separately and severally,
found to be true and correct by clear and convincing evidence.

1 10. Taking official notice of its own internal records, pursuant to Business and
2 Professions Code section 5107, it is hereby determined that the reasonable costs for Investigation
3 and Enforcement is \$5,269.37, as of January 30, 2012. The CBA incurred \$3,424.37, in
4 investigative costs and the Attorney General's Office has billed the California Board of
5 Accountancy \$1,845.00, in enforcement costs for the time spent working on this matter.

6 **DETERMINATION OF ISSUES**

7 1. Based on the foregoing findings of fact, Respondent Eric Rodney Lietzow has
8 subjected his Certified Public Accountant Certificate No. 78207 ("Certificate") to discipline.

9 2. The agency has jurisdiction to adjudicate this case by default.

10 3. The California Board of Accountancy is authorized to revoke Respondent's Certified
11 Public Accountant Certificate based upon the following violations alleged in the Accusation
12 which are supported by the evidence contained in the Default Decision Evidence Packet in this
13 case.

14 a. Respondent subjected his Certificate to disciplinary action under section 5050,
15 subdivision (a) of the Code in that Respondent engaged in the practice of public accountancy
16 without a valid permit when he used the CPA designation advertising his services on his
17 employer's online website while his license to practice public accountancy is in inactive status.
18 The circumstances are described in more particularity in Accusation No. AC-2012015 paragraphs
19 11 and 12, inclusive and herein incorporated by reference.

20 b. Respondent subjected his Certificate to disciplinary action under section 5058.2 of the
21 Code in that Respondent failed to designate on his title that his license was inactive when he used
22 the CPA designation advertising his services on his employer's online website while his license to
23 practice public accountancy is in inactive status. The circumstances are described in more
24 particularity in Accusation No. AC-2012015 paragraphs 13 and 14, inclusive and herein
25 incorporated by reference.

26 c. Respondent subjected his Certificate to disciplinary action under section 5100,
27 subdivision (g) of the Code in conjunction with California Code of Regulations, title 16, section
28 95.4 in that Respondent failed to comply with a citation when he failed to submit certificates of

1 completion documenting Continuing Education, failed to pay the required fine and failed to
2 respond to CBA inquiry. The circumstances are described in more particularity in Accusation
3 No. AC-2012015 paragraph 15, subdivisions (a) through (e), inclusive and herein incorporated by
4 reference.

5 d. Respondent subjected his Certificate to disciplinary action under section 5100,
6 subdivision (g) of the Code, as defined in California Code of Regulations, title 16, section 52 in
7 that Respondent failed to respond to CBA inquiries within thirty (30) days when he failed to
8 respond to correspondence from the CBA. The circumstances are described in more particularity
9 in Accusation No. AC-2012015 paragraph 16, subdivisions (a) through (d) and paragraph 17,
10 inclusive and herein incorporated by reference.


11 **ORDER**

12 IT IS SO ORDERED that Certified Public Accountant Certificate No. 78207, heretofore
13 issued to Respondent Eric Rodney Lietzow, is revoked.

14 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a
15 written motion requesting that the Decision be vacated and stating the grounds relied on within
16 seven (7) days after service of the Decision on Respondent. The agency in its discretion may
17 vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

18 This Decision shall become effective on April 28, 2012.

19 It is so ORDERED March 29, 2012

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21 
22 FOR THE CALIFORNIA BOARD OF
23 ACCOUNTANCY
24 DEPARTMENT OF CONSUMER AFFAIRS

25 60700055.DOC
DOJ Matter ID:LA2011504645

26 Attachment:
27 Exhibit A: Accusation
28

Exhibit A

Accusation

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8 **BEFORE THE**
CALIFORNIA BOARD OF ACCOUNTANCY
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. AC-2012-15

11 **ERIC RODNEY LIETZOW**

12 27833 Sweetwater Lane
13 Valencia, CA 91354

A C C U S A T I O N

14 Certified Public Accountant Certificate No.
15 78207

16 Respondent.

17 Complainant alleges:

18 **PARTIES**

19 1. Patti Bowers ("Complainant") brings this Accusation solely in her official capacity as
20 the Executive Officer of the California Board of Accountancy, Department of Consumer Affairs.

21 2. On or about October 15, 1999, the California Board of Accountancy issued Certified
22 Public Accountant Certificate Number 78207 to Eric Rodney Lietzow ("Respondent").
23 Respondent's certificate was renewed for the period December 1, 2010, through November 30,
24 2012, without continuing education. Respondent's certificate is currently inactive.

25 **JURISDICTION AND STATUTORY PROVISIONS**

26 3. This Accusation is brought before the California Board of Accountancy ("CBA"),
27 Department of Consumer Affairs, under the authority of the following laws. All section
28 references are to the Business and Professions Code ("Code") unless otherwise indicated.

1 4. Section 5109 of the Code grants the CBA jurisdiction over suspended, expired,
2 forfeited, cancelled, or surrendered licenses:

3 "The expiration, cancellation, forfeiture, or suspension of a license,
4 practice privilege, or other authority to practice public accountancy by operation of
5 law or by order or decision of the board or a court of law, or the voluntary surrender
6 of a license by a licensee shall not deprive the board of jurisdiction to commence or
7 proceed with any investigation of or action or disciplinary proceeding against the
8 licensee, or to render a decision suspending or revoking the license."

9 5. Section 5050 of the Code states:

10 "(a) Except as provided in subdivision (b) and (c) of this section, in
11 subdivision (a) of Section 5054, and in Section 5096.12, no person shall engage in the
12 practice of public accountancy in this state unless the person is the holder of a valid
13 permit to practice public accountancy issued by the board or a holder of a practice
14 privilege pursuant to Article 5.1 (commencing with Section 5096.)..."

15 6. Section 5100 of the Code states:

16 "After notice and hearing the board may revoke, suspend, or refuse to
17 renew any permit or certificate granted under Article 4 (commencing with Section
18 5070) and Article 5 (commencing with Section 5080), or may censure the holder of
19 that permit or certificate for unprofessional conduct that includes, but is not limited
20 to, one or any combination of the following causes:

21 ...

22 (g) Willful violation of this chapter or any rule or regulation promulgated
23 by the board under the authority granted under this chapter."

24 7. Section 5058.2 of the Code states:

25 "The holder of an inactive license issued by the board pursuant to Section
26 462, when lawfully using the title 'certified public accountant,' the CPA designation,
27 or any other reference that would suggest that the person is licensed by the board on
28 materials such as correspondence, Internet Web sites, business cards, nameplates, or
name plaques, shall place the term 'inactive' immediately after that designation."

REGULATORY PROVISIONS

1 8. California Code of Regulations, title 16, section 52 states:

2 "(a) A licensee shall respond to any inquiry by the Board or its appointed
3 representatives within 30 days. The response shall include making available all files,
4 working papers and other documents requested.

5 (b) A licensee shall respond to any subpoena issued by the Board or its
6 executive officer or the assistant executive officer in the absence of the executive
7 officer within 30 days and in accordance with the provisions of the Accountancy Act
8 and other applicable laws or regulations.

9 (c) A licensee shall appear in person upon written notice or subpoena
10 issued by the Board or its executive officer or the assistant executive officer in the

1 absence of the executive officer.

2 (d) A licensee shall provide true and accurate information and responses
3 to questions, subpoenas, interrogatories or other requests for information or
4 documents and not take any action to obstruct any Board inquiry, investigation,
5 hearing or proceeding.”

6 9. California Code of Regulations, title 16, section 95.4 states:

7 “The failure of a licensee to comply with a citation containing an
8 assessment of administrative fine, an order of correction or abatement or both an
9 administrative fine and an order of correction or abatement after this citation is final
10 and has been served in accordance with the provisions of Section 11505(c) of the
11 Government Code shall constitute a ground for revocation or suspension of the
12 license or permit.”

13 **COST RECOVERY**

14 10. Section 5107 of the Code provides, in pertinent part, that the Executive Officer of the
15 CBA may request the administrative law judge to direct a licentiate found to have committed a
16 violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the
17 investigation and enforcement of the case.

18 **FIRST CAUSE FOR DISCIPLINE**

19 **(Practice without Permit)**

20 11. Respondent is subject to disciplinary action under section 5050, subdivision (a) of the
21 Code in that Respondent engaged in the practice of public accountancy without a valid permit.

22 12. On or about March 23, 2011, the CBA became aware that Respondent was using the
23 CPA designation advertising his services on his employer’s online website while his license to
24 practice public accountancy is in inactive status. An online search conducted by the Enforcement
25 Division on or about August 26, 2011, confirmed that Respondent was using the CPA designation
26 while his license to practice public accountancy is in an inactive status. Respondent’s biography
27 listed on his employer’s website indicates that he performs litigation consulting and forensic
28 accounting.

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1 c. The CBA sent letters to Respondent's address of record on October 19,
2 2009, November 18, 2009, and an E-mail on January 29, 2010, regarding his
3 deficient continuing education. Additionally, on February 23, 2010, a subpoena
4 was issued to Respondent. Respondent failed to respond to CBA inquiries, in
5 violation of section 52 of the California Code of Regulations. As a result,
6 Respondent was issued a fine of \$750.00 and was required to provide a
7 description of his practice activities during the period of December 1, 2008, to
8 March 8, 2009.

9 d. On or about May 19, 2011, the CBA wrote a letter to Respondent
10 indicating that his payment was due by April 30, 2011, and advising
11 Respondent that failing to comply with the citation by May 30, 2011, may
12 result in the matter being referred to the Attorney General's Office for
13 disciplinary action.

14 e. The Citation Order is still outstanding.

15 **FOURTH CAUSE FOR DISCIPLINE**

16 **(Response to Board Inquiry)**

17 16. Respondent is subject to disciplinary action under section 5100, subdivision (g) of the
18 Code, as defined in California Code of Regulations, title 16, section 52 in that Respondent failed
19 to respond to CBA inquiries within thirty (30) days. The circumstances are as follows:

- 20 a. On or about March 28, 2011, CBA Investigator sent Respondent a letter via
21 certified and regular mail. The certified letter was returned unclaimed.
- 22 b. On or about May 9, 2011, the CBA E-mailed a copy of the March 28, 2011,
23 letter to Respondent at his work E-mail address. As of September 6, 2011,
24 Respondent has not responded to this E-mail.
- 25 c. On or about August 17, 2011, the CBA left a voicemail for Respondent on his
26 work telephone number. As of September 6, 2011, the CBA has not received a
27 response.
28

d. On or about August 26, 2011, the CBA Investigator left a voicemail for Respondent on his work telephone number. As of September 6, 2011, the CBA has not received a response.

17. Respondent's failure to respond to the CBA inquiries subjects his license to discipline under California Code of Regulations, title 16, section 52

PRAYER

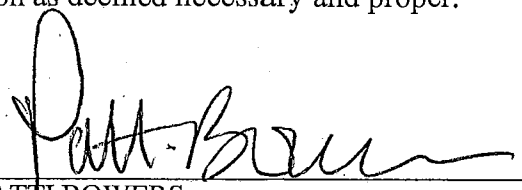
WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the California Board of Accountancy issue a decision:

1. Revoking or suspending or otherwise imposing discipline upon Certified Public Accountant Certificate Number 78207, issued to Eric Rodney Lietzow;

2. Ordering Eric Rodney Lietzow to pay the California Board of Accountancy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 5107;

3. Taking such other and further action as deemed necessary and proper.

DATED: November 14, 2011


PATTI BOWERS
Executive Officer
California Board of Accountancy
Department of Consumer Affairs
State of California
Complainant

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